

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 NEA-10 ISO-00 CIAE-00 NSAE-00
NSCE-00 SSO-00 INRE-00 PM-05 H-01 INR-10 L-03
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TO SECSTATE WAHDC IMMEDIATE 8706
INFO: AMEMBASSY BRUSSELS IMMEDIATE 6376
DIA WASHDC
USIA WASHDC
AMEMBASSY BANGUI
AMEMBASSY BONN
AMEMBASSY BRAZZAVILLE POUCH
/AMEMBASSY BUJUMBURA 2053
AMEMBASSY DAR ES SALAAM
AMEMBASSY KHARTOUM
AMEMBASSY KIGALI
AMEMBASSY LIBREVILLE
AMEMBASSY LUSAKA
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY TRIPOLI
AMCONSUL LUBUMBASHI
AMCONSUL BUKAVU POUCH

C O N F I D E N T I A L KINSHASA 2539

E.O. 11652: GDS
TAGS: PINS, PINR, CG
SUBJECT: ZAIRIAN COUP PLOT TRIAL: LATEST DEVELOPMENTS

REF: KINSHASA 2441 AND PREVIOUS

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1. SUMMARY: GOZ HAS SPEEDED UP TRIAL CALENDAR. VERDICT AND SENTENCES EXPECTED TO BE HANDED DOWN AT 1500 THURSDAY, MARCH 16. INDICATIONS ARE THAT AT LEAST TWO OF THE PRINCIPAL PLOTTERS MAY BE EXECUTED. WHILE EVIDENCE SEEMS STRONG THAT AT LEAST TWO OF THE PRINCIPAL DEFENDANTS HAD ENGAGED IN PLOTTING AGAINST THE GOVERNMENT, TESTIMONY AND ARGUMENTATION PRESENTED THUS FAR DOES NOT SUBSTANTIATE EXISTENCE OF A WIDESPREAD CONSPIRACY. END SUMMARY

2. TUESDAY, MARCH 14, WAS DEVOTED TO HEARING DEFENSE ARGUMENTS. LAWYERS VIGOROUSLY DEFENDED THEIR CLIENTS. THEY ATTACKED PROSECUTION FOR JOINING TOGETHER A SERIES OF CRIMES AND MISDEMEANORS WITH ALLEGED PLOT TO OVERTHROW THE GOVERNMENT. THEY ARGUED THAT TESTIMONY PRESENTED DID NOT LINK THIS COUP PLOT WITH SUCH MATTERS AS BELONGING TO UNAUTHORIZED RELIGIOUS SECTS, SHAKING DOWN DIAMOND SMUGGLERS, ATTENDING REQUIEM MASS, ETC. DEFENSE ATTORNEYS ALSO SOUGHT TO DEMONSTRATE THAT MANY OF THE SPECIFIC CHARGES AND MUCH OF THE EVIDENCE PRESENTED WERE IN VIOLATION OF ZAIRIAN LEGAL PROCEDURE. ZAIRIAN TELEVISION SHOWED DEFENSE PRESENTATION IN ITS ENTIRETY THAT EVENING.

3. ON WEDNESDAY, MARCH 15, PROSECUTOR ATTEMPTED TO REBUT DEFENSE ARGUMENTS. IN SO DOING, HE CHOSE NOT TO ADDRESS DEFENSE ARGUMENTS ON SPECIFIC POINTS OF EVIDENCE. NOR DID HE AGREE TO DEFENSE REQUESTS

TO BE ALLOWED TO CROSS-EXAMINE WITNESSES, INCLUDING KEY GOVERNMENT WITNESS AND ALLEGED COUP PLOT LEADER MAJOR KALUME. PROSECUTOR ALSO REFUSED TO REDUCE CHARGES OR PENALTIES DEMANDED.

4. ALSO ON MARCH 15, AFTER PROSECUTION REBUTTAL, EACH DEFENSE LAWYER IN TURN WAS ALLOWED TO REPLY TO THE PROSECUTION. MOST ATTENTION WAS DEVOTED TO LEGAL CHALLENGES. ATTORNEYS ARGUED THAT BURDEN OF PROOF WAS ON GOVERNMENT AND THAT NO PROOF HAD BEEN FORTHCOMING. GENERAL LINE OF DEFENSE WAS THAT THERE HAD NOT BEEN ONE CONFIDENTIAL

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CONNECTED CONSPIRACY BUT TWO UNRELATED PLOTS; AN OLD ONE OF 1976 LED BY MAJOR PANUBULA AND A MORE RECENT ONE LED BY MAJOR KALUME. MOREOVER, THEY ARGUED THAT ONLY A MINORITY OF THE DEFENDANTS HAD BEEN INVOLVED IN EITHER THE PANUBULE OR KALUME PLOTS. ONCE AGAIN ZAIRIAN MEDIA SHOWED COMPLETE COURT PROCEEDINGS THAT EVENING ON TELEVISION.

5. MILITARY TRIBUNAL HAD BEEN SCHEDULED TO DELIBERATE MARCH 16 AND DELIVER ITS JUDGMENT MARCH 17. HOWEVER, AT CONCLUSION OF ARGUMENTATION MARCH 15, COURT ANNOUNCED THAT IT WOULD DELIVER JUDGMENT AT 1500 MARCH 16.

6. COMMENT: EMBOFFS WHO HAVE ATTENDED TRIAL FROM THE BEGINNING FEEL THAT TESTIMONY AND ARGUMENTATION HAVE FAILED TO SUBSTANTIATE CHARGES OF ANY WIDESPREAD COUP PLOT. MAJOR KALUME HAS BEEN COOPERATIVE WITNESS AND HAS ADMITTED VIRTUALLY ALL CHARGES AGAINST HIM, MANY OF WHICH ARE VERY SERIOUS. MAJOR PANUBULE HAS ADMITTED DRAWING UP PLAN TO ATTACK PRESIDENCY IN 1976, BUT CLAIMS TO HAVE ABANDONED PLAN AND TO HAVE BECOME LOYAL OFFICER. OUR JUDGMENT IS THAT CHARGES AGAINST MAJORITY OF DEFENDANTS ARE GROUNDLESS, WHILE CASES AGAINST SMALL NUMBER ARE FAIRLY STRONG. WE BELIEVE GOZ HAS MADE REASONABLY CONVINCING CASE AGAINST BOTH KALUME AND PANUBULE.

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